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MEMO ENDORSED

December 1, 2016

BY ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

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**Re: United States v. Kevin Johnson
15 Cr. 565 (VEC)**

Dear Judge Caproni,

We write, with the consent of the Government by Assistant United States Attorney Stephanie Lake, to request that the Court permit us to file a corrected copy of our *Daubert* brief in the above-captioned case. As the Court is aware, we provided electronic copies of the brief to the Court, the Government, and the OCME on November 15, 2016. Since then, all parties have been working towards a decision on the appropriate redactions for the copy that is to be filed electronically.

During that process, we had an opportunity to review our November 15 submission and discovered a number of typographical and syntax errors, which have now been corrected. We also made some edits for clarity: improving exposition of the complex issues, cutting out wasteful repetition, and omitting sentences that confused the reader. No substantive changes were made to the arguments. The result is a brief that is 4 pages shorter.

We also seek to file a corrected copy of Exhibit A: Dr. Shapiro's report. Dr. Shapiro's writing remains unchanged. The updated version includes the correct excerpts from the validation study on pages 8 and 9. Additionally, the updated

version of Exhibit A contains supplementary materials, referred to by Dr. Shapiro's report.

The Government consents to the filing of the corrected copies – under seal for now and on ECF with the final redactions. A copy will be emailed to the Court and the Government.

Respectfully submitted,

/s/

Christopher Flood

Sylvie Levine

Robert Baum

cc: Stephanie Lake
Jason Swergold
Assistant United States Attorneys

Request to file corrected brief is GRANTED. All deadlines in the briefing schedule set forth in the October 28, 2016, Order [Dkt. 74] still remain in effect. Defendant must submit to Chambers a courtesy copy of the corrected brief and exhibits on or before December 7, 2016. Defendant also must file an unredacted copy of the corrected brief and exhibits with the Southern District of New York Sealed Records Department on or before December 5, 2016. Pursuant to the November 30, 2016, Order, counsel is reminded to submit a joint letter regarding the proposed redactions on or before December 5, 2016.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE
12/2/2016